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In re Application of:
BALINT, Gregory
U.S. Application No.: 10/506,852
PCT No.: PCT/IB2004/003067
Int. Filing Date: 24 June 2004
Priority Date: 24 June 2003
Atty. Docket No.: 1494.005
For: MULTI-COLOR INJECTION
MOLDED DOOR PANEL AND
PROCESS

DECISION ON PETITION

This decision is issued in response to applicants' "Petition for Correction of Priority Claim" filed 23 February 2010 and the Supplemental Petition for Correction of Priority Claim filed 07 July 2010. Additionally, this decision is issued in response to the supplemental application data sheet and amended specification submitted on 20 July 2010. Applicants are requesting that the United States Patent and Trademark Office properly acknowledge the claim to U.S. provisional application 60/480,966 and issuance of a corrected Notification of Acceptance and Official Filing Receipt. The petition(s) has been treated under 37 CFR 1.182, as explained below.

BACKGROUND

On 24 June 2004, applicants filed international application PCT/US2004/020257, which claimed priority of an earlier U.S. provisional application filed 24 June 2003.¹

On 03 September 2004, applicants filed a submission under 35 U.S.C. 371. The application papers filed therewith included a Transmittal Letter to the United States Designated/ Elected Office Concerning a Filing under 35 U.S.C. 371; the basic national fee; a copy of the international application (including PCT Request); and an executed declaration. The application was processed as the U.S. National Stage of PCT/US2004/020257.

On 17 June 2005, a Notification of Acceptance was issued identifying the international application as PCT/US04/20267 with an international filing date of 24 June

¹Pursuant to PCT Rule 19.4, the application materials were forwarded to the International Bureau (IB) for processing as an international application filed in the RO/IB on 16 September 2004.

2004 and no claim of priority.

On 23 February 2010, applicants filed "Petition for Correction of Priority Claim."

On 07 July 2010, applicants submitted a Supplemental Petition for Correction of Priority Claim.

On 20 July 2010, applicants submitted a supplemental application data sheet and an amended specification.

DISCUSSION

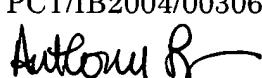
Petitioners request that the Office recognize their benefit claim to U.S. provisional application no. 60/480,966. It is noted that the initial submission under 35 U.S.C. 371 on 03 September 2004 includes a benefit claim to this provisional application. However, in order to determine whether the instant application is entitled to claim benefit to the provisional application pursuant to 35 U.S.C. 119(e), the international filing date under PCT Article 11 must be determined. See 35 U.S.C. 363.

The present application is identified as the U.S. national phase of international application no. PCT/US2004/020257. However, PCT/US2004/020257 was not accorded an international filing date by the United States Receiving Office (RO/US) but rather was transmitted to the International Bureau as the competent Receiving Office pursuant to PCT Rule 19.4. International application was assigned a new international application number (PCT/IB/2004/003067) and was accorded an international filing date of 24 June 2004 by the International Bureau. As such, it is appropriate, upon petition under 37 CFR 1.182, to correct the record of the present application to identify the application as the U.S. national stage of PCT/IB/2004/003067. As corrected, it is clear that the benefit claim to provisional application 60/480,966 should be reflected in the records of the Office.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for: issuing a corrected filing receipt and corrected Notification of Acceptance (Form/DO/EO/903) and identifying this application as the National Stage of International Application No. PCT/IB2004/003067 with a benefit claim to U.S. provisional application 60/480,966.



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